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10/674,169

09/29/2003

Hozumi Tanaka

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EXAMINER

HUSON, MONICA ANNE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HOZUMI TANAKA

Appeal 2009-006464
Application 10/674,169
Technology Center 1700

Before PETER F. KRATZ, CATHERINE Q. TIMM, and
JEFFREY T. SMITH, *Administrative Patent Judges*.

TIMM, *Administrative Patent Judge*.

DECISION ON APPEAL¹

Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision to reject claim 1, the only claim pending, under 35 U.S.C. § 103(a) as being unpatentable over Cameron (US 6,979,419 B2, issued Dec. 27,

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

2005) in view of Tasaka (US 6,814,914 B2, issued Nov. 9, 2004). We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

Appellant's invention relates to a method for molding a polarizing film for use in a polarizing lens (Spec. 1).² Claim 1 is reproduced below:

1. A method of molding a polarizing film comprising the steps of:

applying a colored polarizing film to a molding face of a mold;

allowing the polarizing film to be sucked onto the molding face by vacuum suction to mold a colored concave and convex polarizing film;

setting a tensile of the polarizing film in a certain direction to be less than a tension of the polarizing film in a direction perpendicular to the certain direction;

stretching the polarizing film at a position on a line of the diameter of the mold in parallel with the certain direction less than stretching at other positions to thereby allow the color of the polarizing film at the position where the stretching of the polarizing film is less to be deeper and form a reference mark in a polarizing direction.

The step of setting a tensile involves stretching the film in one direction more than in another direction. This stretching results in a residual stress in the direction of the polarizing axis (X-axis), and this residual stress acts as a tensile (resistance relative to stretching), when molding the film by vacuum suction. (Spec. ¶¶ bridging pp. 5 and 6).

The stretching step occurs during the vacuum molding process. During the vacuum suction process, the tensile set in the tensile setting step causes the film to stretch more in the direction with less tension (Y-axis) and

² References to the Specification are to the substitute Specification filed June 22, 2007.

partially shrink at a location close to the line of the diameter of the mold in parallel with this direction (Y-axis). This shrinking results in the claimed reference marks. (Spec. 6.) Figure 3 depicts the product polarizing film 3 with reference marks 12, and is reproduced below:

FIG. 3

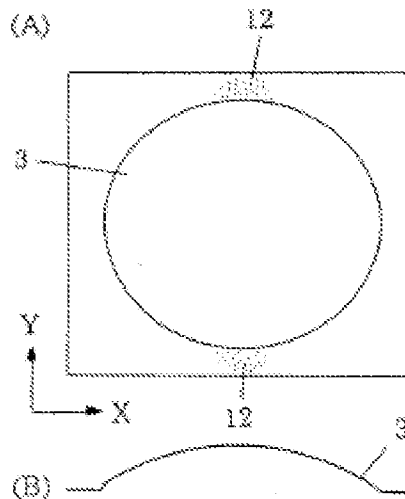


Fig. 3(A) is a plan view of the molded polarizing film and
Fig. 3(B) is a sectional view thereof (Spec. 3).

Cameron describes a method of molding a print pad for applying colored inks to articles such as contact lenses (Cameron, col. 2, ll. 39-44). In the process, a pre-textured sheet is vacuum molded or thermoformed on a male mold. The center portion 28 of the plastic of the sheet retains its texture upon molding as this portion of the film stretches less than the annular area 26 surrounding it (Cameron, col. 3, l. 39 to col. 4, l. 14).

The Examiner finds that center portion 28 of Cameron is the required reference mark, and acknowledges that Cameron does not disclose forming a polarizing film or setting specific tension on the film as claimed (Ans. 3).

According to the Examiner, Tasaka shows that it was known to form a polarizing film including a step of setting specific tension to the film as claimed (Ans. 3). The Examiner concludes that it would have been obvious “to use Tasaka’s varied tension amounts during Cameron’s molding process to obtain a biaxially-stretched film prior to the thermoforming process.”

Tasaka describes a method of forming a stretched film to obtain particular optical properties, such as polarization, and uses this optical film in computer displays (Tasaka, col. 1, ll. 9-11).

We cannot say that the Examiner has articulated a reasonable basis to conclude that the claimed method would have been obvious based on the teachings and suggestions of Cameron and Tasaka. As noted by Appellants, Tasaka applies a tensile difference to polarize a film (Br. 5). Cameron is not concerned with the manufacture of a polarizing film, but to forming a textured print pad. The Examiner has not provided a convincing reason why one of ordinary skill in the art would seek to provide the print pad of Cameron with optical properties such as polarizing properties. We also agree with Appellants that the Examiner has not provided any basis to show that the combination of references provides a suggestion for providing a reference mark in the polarizing direction of the film (Br. 5).

On the record before us, we do not sustain the rejection maintained by the Examiner.

The decision of the Examiner is reversed.

REVERSED

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